

**MINUTES OF THE
PLANNING & LAND USE COMMITTEE MEETING
HELD THURSDAY, MAY 14, 2015, 9:00 A.M.**

1. THE CHAIR CALLED THE MEETING TO ORDER AT 9:00 A.M.

Committee Members Present: Mayor Helps (Chair); Councillors Alto, Coleman, Isitt, Loveday, Lucas, Madoff and Thornton-Joe.

Absent: Councillor Young

Staff Present: J. Johnson - City Manager; A. Hudson – Assistant Director, Community Planning Division; A. Meyer – Assistant Director, Development Services; L. Baryluk – Senior Planner; J. Handy – Senior Planner; S. Hutchison – Transportation Planner; M. Miller – Heritage Planner; J. Schmidt – Manager, Legislative Services; L. Taylor – Planner; R. Woodland – Director, Legislative & Regulatory Services; T. Zworski – City Solicitor; J. Appleby - Recording Secretary.

2. APPROVAL OF THE AGENDA

The Chair canvassed Committee, who approved bringing forward the following items for approval:

- Item # 6 Heritage Designation Application No. 000145, 000146, and 000147 for 521, 539 and 545 Superior Street (The Jameson, John and Black Residences)
- Item # 7 Development Variance Permit Application No. 000151 for 821-827 Broughton Street
- Item # 8 Heritage Designation Application No. 000144 for 624 Battery Street

Action: It was moved by Councillor Coleman, seconded by Councillor Alto, that the Agenda of the May 14, 2015, Planning & Land Use Committee meeting be approved as amended.

CARRIED UNANIMOUSLY 15/PLUC125

3. CONSENT AGENDA

3.1 Heritage Designation Application No. 000145, 000146 and 000147 for 521, 539 and 545 Superior Street

Committee received a report regarding an owner initiated application to designate three Heritage-Registered houses as Municipal Heritage Sites.

Action: It was moved by Councillor Coleman, seconded by Councillor Alto, that Committee recommends:

That Council consider the designation of three Heritage-Registered houses (presently located at 521, 539 and 545 Superior Street) to be relocated to 580, 588 and 584 Michigan Street (in accordance with the applicant's relocation schedule dated April 23, 2015) pursuant to Section 967 of the *Local Government Act*, as Municipal Heritage Sites, and in accordance with Council's September 11, 2014 motion:

1. That Council consider giving first and second reading of the *Heritage Designation Bylaws*; and
2. That Council consider delaying the advancement of the *Heritage Designation Bylaws* to a Public Hearing until the legal descriptions of the new receiver sites have been provided

CARRIED UNANIMOUSLY 15/PLUC126

3.2 Development Variance Permit Application No. 000151 for 821-827 Broughton Street

Committee received a report regarding a development permit for 821-827 Broughton Street. The proposal is to convert 280m² of main-floor general office use within an existing heritage-designated building to dental office use. The variances are related to parking.

Action: It was moved by Councillor Coleman, seconded by Councillor Alto, that Committee recommends that after giving notice and allowing an opportunity for public comment, that Council consider the following motion:

"That Council authorize the issuance of Development Variance Permit Application No. 000151 for 821-827 Broughton Street in accordance with:

1. Plans date stamped April 22, 2015.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for Schedule C, reducing the off-street parking requirement from an additional four parking stalls to nil for the change of use from general office use to dental office.
3. The Development Variance Permit lapsing two years from the date of this resolution."

CARRIED UNANIMOUSLY 15/PLUC127

3.3 Heritage Designation Application No. 000144 for 624 Battery Street

Committee received a report regarding an owner initiated application to designate the property at 624 Battery Street as a Municipal Heritage Site.

Action: It was moved by Councillor Coleman, seconded by Councillor Alto, that Committee recommends:

That Council consider the designation of the property located at 624 Battery Street pursuant to Section 967 of the *Local Government Act* as a Municipal Heritage Site.

CARRIED UNANIMOUSLY 15/PLUC128

4. MINUTES

4.1 Minutes from the meeting held April 30, 2015

Councillor Madoff noted the following correction:

On Page 10, regarding 151 Oswego Street the paragraph that reads:

That Council instruct staff to look into the legislative authority the City has and to come forward with a recommendation of what might be appropriate in this instance taking into account all of the considerations.

Should read:

That Council instruct staff to look into the legislative authority of the City, including the levying of fines, when the terms of a Heritage Revitalization Agreement are not complied with and to come forward with a recommendation of what might be appropriate in this instance, taking into account all of the considerations.

Action: It was moved by Councillor Coleman, seconded by Councillor Madoff, that the Minutes from the Planning & Land Use Committee meeting held April 30, 2015, be adopted as corrected.

CARRIED UNANIMOUSLY 15/PLUC129

5. DEVELOPMENT APPLICATION REPORTS

5.1 Rezoning Application No. 00477 for 819 Yates Street

Committee received a report regarding a rezoning application for 819 Yates Street. The proposal is to amend the existing CA-62 Zone, Central Area (Yates-View) District, in order to remove the requirement for two supported-housing units as part of the list of amenities. The applicant proposes to replace the two supported-housing units with a Covenant to ensure the market rental of the building for a minimum of 10 years, as well as reallocating a portion of the amenity funds (50%, which is equivalent to \$100,000) from public art to affordable housing.

Action: It was moved by Councillor Alto, seconded by Councillor Coleman, that Committee recommends that Council instruct staff to prepare the necessary *Zoning Regulation Bylaw Amendment* that would authorize the proposed development outlined in Rezoning Application No. 00477 for 819 Yates Street, that first and second reading of the *Zoning Regulation Bylaw Amendment* be considered by Council and a Public Hearing date be set once the following conditions are met:

1. Registration of legal agreements to the satisfaction of staff to ensure that the building remains as a market rental building for a minimum of ten years

and that \$100,000 of the public art contribution be reallocated to affordable housing.

Committee discussed:

- Disappointment that the supportive housing aspect will not be achieved.
- Affordable housing and public art are both important but often when there is a choice to be made the public art is traded off.
- Whether the original amount should be retained for housing and if Committee should request an additional \$50,000 to fund affordable housing.

Amendment: It was moved by Councillor Madoff, seconded by Councillor Thornton-Joe that Committee amend the motion as follows:

That Committee recommends that Council instruct staff to prepare the necessary *Zoning Regulation Bylaw Amendment* that would authorize the proposed development outlined in Rezoning Application No. 00477 for 819 Yates Street, that first and second reading of the *Zoning Regulation Bylaw Amendment* be considered by Council and a Public Hearing date be set once the following conditions are met:

1. Registration of legal agreements to the satisfaction of staff to ensure that the building remains as a market rental building for a minimum of ten years and ~~that \$100,000 of the public art contribution is reallocated to affordable housing~~ **the \$200,000 public art contribution remain with an additional \$50,000 to be directed to the Affordable Housing Fund.**

Committee discussed:

- If the project would still proceed if the profit margins are too small for the applicant.
- If a smaller amount directed to the housing fund could achieve a difference.

On the Amendment:
DEFEATED 15/PLUC130

For: Councillors Isitt, Loveday and Madoff
Against: Mayor Helps; Councillors Alto, Coleman, Lucas, Thornton-Joe

Amendment: It was moved by Councillor Loveday, seconded by Councillor Isitt, that Committee amend the motion as follows:

That Committee recommends that Council instruct staff to prepare the necessary *Zoning Regulation Bylaw Amendment* that would authorize the proposed development outlined in Rezoning Application No. 00477 for 819 Yates Street, that first and second reading of the *Zoning Regulation Bylaw Amendment* be considered by Council and a Public Hearing date be set once the following conditions are met:

1. Registration of legal agreements to the satisfaction of staff to ensure that the building remains as a market rental building for a minimum of ten years and ~~that \$100,000 of the public art contribution is reallocated to affordable housing~~ **the \$200,000 public art contribution remain with an additional \$20,000 to be directed to the Affordable Housing Fund.**

Committee discussed:

- Committee is asking for a small amount of \$20,000 and it is a reasonable exchange for releasing the applicant from their commitment.
- The addition of 209 market units is more powerful than to ask for \$20,000.
- A land lift analysis was undertaken and it was found that there were no funds available for an amenity contribution.

On the amendment:
DEFEATED 15/PLUC131

For: Councillors Loveday and Isitt
Against: Mayor Helps; Councillors Alto, Coleman, Lucas, Madoff, and Thornton-Joe.

Committee discussed:

- Additional rental in this area is a plus and will be a valuable addition to the downtown community.
- Committee does not want the proposal to stall.
- Art adds to the quality of life and adds a huge value to the community at large.

Amendment: It was moved by Councillor Thornton-Joe, seconded by Councillor Madoff, that Committee amend the motion as follows:

That Committee recommends that Council instruct staff to prepare the necessary *Zoning Regulation Bylaw Amendment* that would authorize the proposed development outlined in Rezoning Application No. 00477 for 819 Yates Street, that first and second reading of the *Zoning Regulation Bylaw Amendment* be considered by Council and a Public Hearing date be set once the following conditions are met:

1. Registration of legal agreements to the satisfaction of staff to ensure that the building remains as a market rental building for a minimum of ten years and ~~that \$100,000 of the public art contribution is reallocated to affordable housing~~ **that \$150,000 of the \$200,000 public art contribution remain with \$50,000 of the contribution to be directed to the Affordable Housing Fund.**

On the amendment:
DEFEATED 15/PLUC132

For: Councillors Coleman, Lucas, Madoff, and Thornton-Joe
Against: Mayor Helps; Councillors Alto, Isitt, and Loveday

Committee discussed:

- The most important consideration of this application is the addition of 209 market rental units.

On the main motion:
CARRIED 15/PLUC133

For: Mayor Helps, Councillors Alto, Coleman, Isitt, Loveday, Lucas, and Thornton-Joe
Against: Councillor Madoff

5.2 Development Permit Application No. 000415 for 521-557 Superior Street and 524-584 Michigan Street

Committee received a development permit application for the property located at 521-557 Superior Street and 524-584 Michigan Avenue. The proposal is to construct Phase One and Phase Two of the Capital Park development project. The Phases are comprised of two five-storey office buildings fronting on Superior Street, a central plaza and plaza pavilion building bracketed by office buildings and a four-storey mixed-use building fronting on Menzies Street with ground floor commercial space and 53 residential units on the upper-floors. The proposal includes underground parking and extensive landscaping with pathways, courtyards and water features.

Committee discussed:

- How the definition of affordable housing is applied.
 - The MDA has clear definitions of affordable housing as it applies to this development. They are defined as units that are supported by government funding, a non-profit or under a certain size.
- If the buildings will be wheelchair accessible.
 - Yes, all the buildings have elevators but it is not known if the housing units will be wheelchair accessible units.

Action: It was moved by Councillor Madoff, seconded by Councillor Coleman, that Committee recommends:

"That Council authorize the issuance of Development Permit Application No. 000415 for 521-557 Superior Street and 524-584 Michigan Avenue subject to receipt of confirmation from the Ministry of Environment that the *Contaminated Sites Legislation* has been satisfied, in accordance with:

1. Plans date stamped March 12, 2015.
2. Development meeting all *Zoning Regulation Bylaw* requirements.
3. Final plans to be generally in accordance with the plans identified above to the satisfaction of the Assistant Director, Development Services Division, Sustainable Planning and Community Development Department.
4. The Development Permit lapsing four years from the date of this resolution."

Committee discussed:

- The application has been well received by the community, with a great deal of input from the public.

CARRIED UNANIMOUSLY 15/PLUC134

Capital Park – Greater Victoria Public Library Branch:

Councillor Madoff noted that in the letter from the applicant dated April 27, 2015, the Master Development Agreement specifies that the City has 12 months from the date of issuance of the development permit to accept the offer of 700 square meters of rentable floor space constructed to accommodate a potential community branch of the Greater Victoria Public Library.

Action: It was moved by Councillor Madoff, seconded by Councillor Coleman, that in consultation with Council, that staff facilitate a dialogue between the

design team, the Greater Victoria Public Library, and the City so as to further discuss the design opportunities afforded by the Option Premises in view of the contemplated use; and that a senior staff person be identified to lead the process.

CARRIED UNANIMOUSLY 15/PLUC135

6. NEW BUSINESS

6.1 Development Summit Action Items – Status and Next Steps

The City hosted a Development Summit with the development industry, Community Association Land Use Committee (CALUC) representatives, Council and staff to receive feedback on the City's development processes, procedures and policies. The Summit was held in July 2014 and the outcome was presented to Council in September 2014 with an Action Plan that contained 22 suggested improvements. Council approved the Action Plan and asked that staff provide a status report on the action items in March 2015. The delay in bringing forward this status report was due to additional time spent analyzing application timeline data and completing some action items.

The action items contained in the Action Plan covered four themes:

1. Improving processes
2. Improving customer service
3. Fostering better relationships
4. Improving development-related policies, regulations and practices.

Mayor Heps withdrew from the meeting at 10:09 and returned at 10:10 a.m.

Committee discussed:

- Many of the recommendations will tie into recommendations that are coming forward from the Affordable Housing Task Force.

Action: It was moved by Councillor Madoff, seconded by Councillor Lucas, that Committee recommends that Council:

1. Direct staff to host a second Development Summit in June 2015 to report on progress made over the past year, provide a discussion forum for reducing application processing timelines, receive additional feedback and continue to strengthen relationships among the development industry, Community Association Land Use Committee representatives, Council and staff.
2. Direct staff to bring forward feedback and an action plan based on the 2015 Development Summit by August 2015.
3. Direct staff to report back quarterly on progress made towards reducing processing times for all types of development applications and building permits.

Councillor Loveday withdrew at 10:23 a.m. and returned at 10:24 a.m.

Committee discussed:

- The development of the application tracker and the redesign of the rezoning signs make development information more attractive and accessible to the public.

Councillor Lucas withdrew from Committee at 10:32 a.m. and returned at 10:34 a.m.

- The need to support the neighbourhood land use committees.
- If the fees charged for searching records could be reduced or eliminated
 - As more records become digitized staff are looking to remove the fees.

CARRIED UNANIMOUSLY 15/PLUC136

Action: It was moved by Councillor Lucas, seconded by Councillor Loveday, that Council direct that recommendations arising from the Affordable Housing Task Force relevant to development be included in the report coming out of the June 2015 Development Summit.

CARRIED UNANIMOUSLY 15/PLUC137

7. CLOSED MEETING AT 10:39 A.M.

Action: It was moved by Councillor Madoff, seconded by Councillor Lucas, that the Planning & Land Use Committee convene a closed meeting that excludes the public under Section 12(6) of the Council Bylaw for the reason that the following agenda items deal with matters specified in Sections 12(3) and/or (4) of the Council Bylaw, namely:

- Section 12(3)(a) - Personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the City or another position appointed by the City.

CARRIED UNANIMOUSLY 15/PLUC138

Committee Members Present: Mayor Helps (Chair); Councillors Alto, Coleman, Isitt, Loveday, Lucas, Madoff, and Thornton-Joe.

Absent: Councillor Young

Staff Present: J. Johnson - City Manager; A. Hudson - Acting Director, Sustainable Planning and Community Development Department; A. Meyer – Assistant Director, Development Services; J. Schmidt – Manager, Legislative Services; M. Wilson – Planner; R. Woodland – Director, Legislative & Regulatory Services; J. Appleby – Recording Secretary.

7.1 Minutes from the Closed Meeting held on March 19, 2015

Action: It was moved by Councillor Alto, seconded by Councillor Coleman, that the Minutes from the Closed Planning & Land Use Committee meeting held March 19, 2015, be adopted.

CARRIED UNANIMOUSLY 15/PLUC139

7.2 Minutes from the Closed Meeting held on April 16, 2015

Action: It was moved by Councillor Alto, seconded by Councillor Coleman, that the Minutes from the Closed Planning & Land Use Committee meeting held April 16, 2015, be adopted.

CARRIED UNANIMOUSLY 15/PLUC140

7.3 Appointments – Advisory Design Panel

Committee received information regarding an appointment to the Advisory Design Panel.

The discussion and motion was recorded and kept confidential.

CARRIED UNANIMOUSLY 15/PLUC141

8. ADJOURNMENT

Action: It was moved by Councillor Alto, seconded by Councillor Isitt, that Committee adjourn the Planning & Land Use Committee meeting of May 14, 2015, at 10:54 a.m.

CARRIED UNANIMOUSLY 15/PLUC142

Mayor Helps, Chair